

FILED

FORMS

APR - 2 2010

FORM 1 - GENERAL DOCKET ENTRY

BRENDA A. UMSTATTO
CLERK CIRCUIT COURT
COLE COUNTY, MISSOURI

IN THE CIRCUIT COURT OF COLE COUNTY, MISSOURI
19TH JUDICIAL CIRCUIT
DIVISION IV

Central United Life Ins. Co.

Petitioner,

vs.

John M. Huff, Director of Insurance

Respondent.

Case No. 09AC-CC00537

Date of Proceeding: _____

Nature of Proceeding: Motion for Extension of Time, Motion for Leave to Shorten ☒

Appearances:

Tamara W. Kopp

Attorney For:

John M. Huff, Director

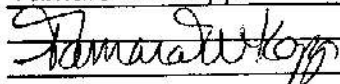
☒ Docket Sheet Entry ☒ Order ___ Judgment ___ Stipulation ___ Other

___ As Follows ___ Attached Hereto ___ Agreed to By:

Respondent's Motion to Shorten time for hearing and his Motion for Extension of Time are hereby Granted. Respondent shall file and serve its brief and suggested findings of facts and conclusions of law on or before April 19, 2010.

☒ Submitted By:

Tamara W. Kopp



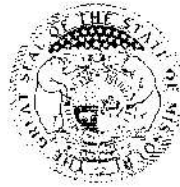
Attorney For:

John M. Huff, Director

SO ORDERED this _____ day of _____, _____.

Judge

Jeremiah W. (Jay) Nixon
Governor
State of Missouri



Department of Insurance
Financial Institutions
and Professional Registration
John M. Huff, Director

April 2, 2010

VIA HAND DELIVERY

The Honorable Patricia S. Joyce
Cole County Courthouse
301 East High Street, Room 401
Jefferson City, Missouri 65101

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BRENDA A. UMSTATTD
CLERK CIRCUIT COURT
COLE COUNTY, MISSOURI

RE: *Central United Life Insurance Company v. John M. Huff, Director*
Cole County Case No. 09AC-CC00537

Dear Judge Joyce:

Respondent Director has filed an Motion for Extension of Time to extend his briefing deadline from April 2, 2010, to April 19, 2010. A copy of the Motion is attached, along with a proposed Order.

Because counsel for Petitioner objected to Respondent's proposed extension, Respondent has also included a Motion for Leave to Shorten Time for Hearing and a Notice of Hearing. The parties are scheduled for a status hearing on April 5, 2010 and I propose that Respondent's Motion for Leave to Shorten Time for Hearing, and if granted, Motion for Extension of Time be set for hearing at the same time.

Thank you for your attention to this matter.

Respectfully,

A handwritten signature in cursive script that reads "Tamara W. Kopp".

Tamara W. Kopp
Counsel for Director

Enclosures

Cc: Matthew D. Turner
Sherry L. Doctorian

IN THE CIRCUIT COURT OF COLE COUNTY, MISSOURI

CENTRAL UNITED LIFE INSURANCE)
COMPANY,)

Petitioner,)

v.)

Case No. 09AC-CC00537

JOHN M. HUFF, DIRECTOR OF THE)
DEPARTMENT OF INSURANCE,)
FINANCIAL INSTITUTIONS AND)
PROFESSIONAL REGISTRATION,)
STATE OF MISSOURI,)

Respondent.)

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BRENDA A. UMSTATTD
CLERK CIRCUIT COURT
COLE COUNTY, MISSOURI

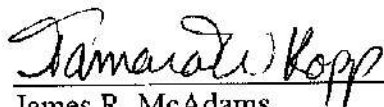
MOTION FOR EXTENSION OF TIME

COMES NOW, respondent John M. Huff, Director of the Missouri Department of Insurance, Financial Institutions and Professional Registration and moves the Court pursuant to Rule 44.01(b)(1) of the Missouri Rules of Civil Procedure for an extension of time, up to and including April 19, 2010, in which to file and serve its brief and suggested findings of fact and conclusions of law in this matter. In support of this motion, respondent states the following:

1. Respondent's current deadline to file and serve its brief and suggested findings of fact and conclusions of law is April 2, 2010.
2. Respondent requests that its briefing deadline be extended to April 19, 2010.
3. This Court's Order of December 21, 2010, indicated that "[t]he parties may request reasonable extensions of these deadlines should the same prove necessary."
4. Due to the press of other business, including active litigation before the Director, discovery requests, and out of state travel, counsel for respondent requires a short extension of time to complete his brief and suggested findings of fact and conclusions of law in this matter.

5. At a minimum¹, petitioner had eight weeks, from December 21, 2009 until February 16, 2010, including an extension, to file its brief and proposed findings of fact and conclusions of law. In its Uncontested Motion for Extension of Time, filed January 22, 2010, petitioner stated that “[p]etitioner will have no objection if respondent Director requests an equal extension of his briefing deadline.”
6. Counsel for petitioner has indicated that petitioner objects to the requested extension, but would consent to a shorter extension. Respondent should be permitted at least as long to complete his brief as the time that was allotted to petitioner.
7. The above-stated demonstrates good cause. The requested extension is reasonable, equivalent to the time allowed petitioner, necessary, and will not prejudice these proceedings in any way.

WHEREFORE, respondent John M. Huff, Director of the Missouri Department of Insurance, Financial Institutions and Professional Registration requests the Court issue an Order extending respondent's deadline to file and serve its brief and proposed findings of fact and conclusions of law to April 19, 2010, and for such other and further relief as the Court deems just and proper.



James R. McAdams
Deputy Director and General Counsel
Missouri Bar No. 33582
Tamara W. Kopp
Senior Enforcement Counsel
Missouri Bar No. 59020
Missouri Department of Insurance, Financial
Institutions & Professional Registration
301 W High Street, Room 530

¹ This eight-week period excludes all the time petitioner had to work on its brief after the filing of the record on appeal on October 23, 2009, until the Court's scheduling order on December 21, 2009. If this period of time is included, petitioner had at least 16 weeks to complete its brief.

Jefferson City, Missouri 65101
Telephone: (573) 751-2619
Facsimile: (573) 526-5492

**ATTORNEYS FOR RESPONDENT
DIRECTOR JOHN M. HUFF**

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and accurate copy of the foregoing was sent via e-mail before 5:00 p.m. to the addresses listed below and by first-class mail, postage pre-paid on this 2nd day of April, 2010, to:

Sherry L. Doctorian
sdoctorian@armstrongteasdale.com
Matthew D. Turner
mtturner@armstrongteasdale.com
3405 West Truman Boulevard, Suite 210
Jefferson City, Missouri 65109-5713
(573) 636-8394
(573) 636-8457 (facsimile)



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**CENTRAL UNITED LIFE INSURANCE)
COMPANY,)**

Petitioner,)

v.)

Case No. 09AC-CC00537

**JOHN M. HUFF, DIRECTOR OF THE)
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FINANCIAL INSTITUTIONS AND)
PROFESSIONAL REGISTRATION,)
STATE OF MISSOURI,)**

Respondent.)

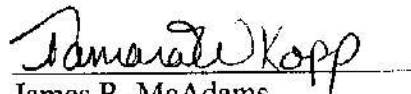
MOTION FOR LEAVE TO SHORTEN TIME FOR HEARING

COMES NOW, respondent John M. Huff, Director of the Missouri Department of Insurance, Financial Institutions and Professional Registration and moves the Court pursuant to Rule 44.01(d) of the Missouri Rules of Civil Procedure leave to shorten the time necessary to schedule a hearing on respondent's Motion for Extension of Time to file his brief and proposed findings of fact and conclusions of law. In support of his Motion, respondent states as follows:

1. Respondent's current deadline to file and serve his brief and suggested findings of fact and conclusions of law is April 2, 2010.
2. Respondent has requested that its briefing deadline be extended to April 19, 2010. Petitioner has opposed this request.
3. This Court's Order of December 21, 2010, indicates that "[t]he parties may request reasonable extensions of these deadlines should the same prove necessary."
4. Concurrent with this Motion, respondent has filed a Motion for Extension of Time to file his brief and proposed findings of fact and conclusions of law, and Notice of Hearing.

5. The parties are scheduled for a status hearing on Monday, April 5, 2010. Respondent requests that this Motion be heard at this previously scheduled hearing.

WHEREFORE, respondent John M. Huff, Director of the Missouri Department of Insurance, Financial Institutions and Professional Registration requests the Court grant his Motion for Leave to Shorten Time for Hearing and set this matter for hearing at the previously scheduled status hearing on Monday, April 5, 2010, at 1:30 p.m., and for such other and further relief as the Court deems just and proper.



James R. McAdams
Deputy Director and General Counsel
Missouri Bar No. 33582
Tamara W. Kopp
Senior Enforcement Counsel
Missouri Bar No. 59020
Missouri Department of Insurance, Financial
Institutions & Professional Registration
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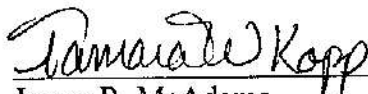
JOHN M. HUFF, DIRECTOR OF THE)
DEPARTMENT OF INSURANCE,)
FINANCIAL INSTITUTIONS AND)
PROFESSIONAL REGISTRATION,)
STATE OF MISSOURI,)

Respondent.)

NOTICE OF HEARING

COMES NOW, respondent John M. Huff, Director of the Missouri Department of Insurance, Financial Institutions and Professional Registration and sets respondent's Motion to Shorten Time for Hearing, and if granted, Motion for Extension of Time, for hearing on April 5, 2010, at 1:30 p.m. in Division 4.

Respectfully submitted,



James R. McAdams

Deputy Director and General Counsel

Missouri Bar No. 33582

Tamara W. Kopp

Senior Enforcement Counsel

Missouri Bar No. 59020

Missouri Department of Insurance, Financial
Institutions & Professional Registration

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IN THE CIRCUIT COURT OF COLE COUNTY, MISSOURI

**CENTRAL UNITED LIFE INSURANCE)
COMPANY,)**

Petitioner,)

v.)

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**JOHN M HUFF, DIRECTOR OF THE)
DEPARTMENT OF INSURANCE,)
FINANCIAL INSTITUTIONS AND)
PROFESSIONAL REGISTRATION,)
STATE OF MISSOURI,)**

Respondent.)

ORDER

Respondent's Motion to Shorten Time for Hearing and his Motion for Extension of Time are hereby Granted. Respondent shall file and serve its brief and suggested findings of facts and conclusions of law on or before April 19, 2010.

SO ORDERED, this _____ day of April, 2010.

Patricia S. Joyce
Circuit Judge